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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KEVIN SMITH,	:
	:
Plaintiff,	: HONORABLE JEROME B. SIMANDLE
	: HONORABLE KAREN M. WILLIAMS
	:
v.	: Civil Action No. 18-5088 (JBS) (KMW)
	:
BURLINGTON COUNTY, et al.,	:
	: CERTIFICATION OF ANNE B. TAYLOR
Defendants.	:
	:

I, Anne B. Taylor, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an Assistant United States Attorney for the District of New Jersey, assigned to represent federal defendants TFO Shawn Gorlin, the United States Marshals Service, and the United States of America, in this matter. I make this Certification in support of federal defendants’ Motion for a Protective Order Staying Discovery as to TFO Gorlin, pursuant to Federal Rule of Civil Procedure 26(c)(1)(A) and as required by Federal Rule of Civil Procedure 26(c)(1).

2. As counsel for federal defendants, I have communicated with Plaintiff's counsel regarding the scheduling of TFO Gorlin's deposition. A summary of that communication follows.

3. TFO Gorlin, the United States Marshals Service, and the United States of America filed an omnibus motion to dismiss on April 15, 2019. ECF No. 42.

4. Plaintiff sought a 30-day extension to respond, which was granted on May 1, 2019. Order, ECF No.45.

5. Plaintiff's deposition was taken on May 14, 2019.

6. Counsel for all parties corresponded about proposed dates for additional depositions, notably those of Detective Christopher Ent and TFO Gorlin in mid-May.

7. On May 24, 2019, over a month after the filing of the motion to dismiss and with the expectation that briefing would be completed or a claim stated against him, the dates of June 24 or June 26 were offered for TFO Gorlin's deposition.

8. On May 30, Plaintiff's counsel reached out via email to request an additional 3-week extension to respond in opposition to the motion to dismiss.

9. The next day, defense counsel consented to that request provided that TFO Gorlin's deposition was scheduled after full briefing of the motion, because there was no claim yet stated against him.

10. Further emails were exchanged, and, on June 4, 2019, the federal defendants further clarified their position that TFO Gorlin should not be produced

for deposition until the disposition of the motion because there was no stated claim against him.

11. Later that day, Plaintiff's counsel suggested, and counsel for the federal defendants agreed, that Plaintiff's application for additional time to file his opposition to the federal defendants' motion could be filed with consent of federal defendants and that the parties would raise the issue of TFO Gorlin's deposition to the Court at the then-scheduled June 17, 2019 status teleconference. These exchanges also occurred via email.

12. On June 14, ahead of the status conference, undersigned counsel sent an additional explanation to all counsel that access to non-party testimony was governed by the United States Marshals Services *Touhy* regulations, which have a separate procedural process and standard of review.

13. The issue was raised by the parties during the telephone status conference with the Court, and a scheduling order issued directing the Government to file its motion for a protective order by July 26 2019. Order, ECF No. 48.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Anne B. Taylor
By: ANNE B. TAYLOR
Assistant U.S. Attorney

Date: July 26, 2019